



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : Michael G. Hayek
Serial No. : 09/579,694
Filed : May 26, 2000
Title : PROCESS AND PRODUCT FOR ENHANCING IMMUNE RESPONSE IN
COMPANION ANIMALS USING A COMBINATION OF ANTIOXIDANTS
Docket : IAM 0523 PA
Examiner : R. Henley, III
Art Unit : 1614

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 2, 2001.

Susan M. Lima

Agent

Reg. No. 38,769

AMENDMENT

This paper is being filed in response to the Office Action mailed January 25, 2001. Reconsideration and reexamination are respectfully requested in view of the amendments and remarks below.

IN THE CLAIMS

Please cancel claim 9.

REMARKS

In the first Office Action, the Examiner objected to claim 9 under 37 CFR 1.75(c) as being of improper dependent form. With this amendment, claim 9 has been cancelled.

Claims 7 and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Shapira, U.S. Patent No. 5,290,605. Shapira teaches a nutritional soft drink for protection against exposure to UV light comprising a carotenoid mix which may include β -carotene and/or lutein, which mix may be provided alone or optionally in combination vitamin C and/or vitamin E. While the Examiner concedes that Shapira does not teach a diet for a companion animal which enhances immune response as claimed, he has taken the position that such a

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